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DEPT PASS TO EAP/BCLTV; EAP/RSP; DRL; PRM; H; PM; T

CA/OCS/ACS/EAP Liz Ryan

STATE PASS TO USTR FOR E. BRYAN

SEOUL PLEASE PASS TO NSC SENIOR DIRECTOR MICHAEL J. GREEN

E.O. 12958: N/A

TAGS: [PREL PHUM](#) [PREF KIRF](#) [OTRA OVIP](#) [ETRD CASC](#) [VM KICC](#) [HUMANR](#) [RELFREE](#) [WTO](#) [HIV](#) [AIDS](#) [ETMIN](#)

SUBJECT: AMBASSADOR'S MEETING WITH VFM LE VAN BANG:

RELIGIOUS FREEDOM WORK PLAN, WTO ACCESSION, AND MORE HIGH-LEVEL VISITS

Ref: A. Hanoi 254; B. Hanoi 249; C. Hanoi 268; D. Hanoi 215;

[E](#). HCMC 04 1587

[1](#)1. (SBU) Summary: During a wide-ranging discussion February 1, the Ambassador previewed for Vice Foreign Minister Le Van Bang a proposed "work plan" to advance our religious freedom goals and ultimately remove Vietnam from the religious freedom Country of Particular Concern list. VFM Bang said that, in addition to the proposed June 20-30 visit to the United States of Prime Minister Phan Van Khai, President Tran Duc Luong and National Assembly Chairman Nguyen Van An may also visit the United States to attend separate events in NYC in the September-October timeframe. VFM Bang also said that a repeat of last year's Easter disturbances in the Central Highlands this year could cause the Prime Minister's visit to be cancelled and urged the United States not to allow "issues" to get in the way of advancing the bilateral relationship. VFM Bang pressed the United States to complete its WTO negotiations with Vietnam before the PM's visit and before Vietnam completes its negotiations with China. In addition, the Ambassador and VFM Bang discussed the Central Highlands, "Government of Free Vietnam" leader Nguyen Huu Chanh, Amcit detainee Bao Phat Thang, IMET and Article 98 agreements, the new Embassy compound land issue and U.S. HIV/AIDS assistance for Vietnam. End Summary.

RELIGIOUS FREEDOM WORKPLAN PREVIEWED

[1](#)2. (SBU) Vice Foreign Minister Le Van Bang invited the Ambassador, Pol/C and Poloff to lunch February 1 to celebrate the Lunar New Year and discuss several issues of mutual interest. Assistant Foreign Minister and Director General of the Americas Department Nguyen Duc Hung and United States Affairs Section Chief Nguyen Hoanh Nam accompanied VFM Bang. The Ambassador told VFM Bang that the United States appreciates the inclusion of five individuals of concern and two American citizens in the New Year's Amnesty announced January 31 (Ref A) and noted that there are other deserving individuals who should be considered for release as early as possible. VFM Bang replied that he had done his best to secure release for prisoners of concern to the United States, as he had promised Ambassador-at-Large for Religious Freedom Hanford and DRL Deputy Assistant Secretary Elizabeth Dugan. VFM Bang added that Ambassador

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Hanford had also asked him to assist with the case of imprisoned Mennonite Le Thi Hong Lien. The Ambassador underlined that Lien's case is humanitarian in nature and that she should be receiving mental health treatment rather than time in prison. To that end, the Ambassador passed VFM Bang a nonpaper with information about Lien's case and a request for her early release on humanitarian grounds.

[1](#)3. (SBU) The Ambassador noted that the deadline for action in response to Vietnam's designation as a Country of Particular Concern (CPC) is in early March. However, the recent prisoner releases raise the possibility that the USG could extend that deadline 90 days while Vietnam and the United States work out the details of a work plan that would result, ultimately, in the lifting of Vietnam's CPC designation. NSC Senior Director for Asia Michael Green will discuss this proposal in greater detail during his February 4 discussions. In broad terms, however, the USG's thinking is that, during this 90-day period, the USG and the GVN would discuss the terms of this work plan and, for clarity's sake, exchange letters or notes to confirm the elements of the agreed plan. The USG recognizes that certain actions, such as church openings, cannot take place overnight, so implementation of the plan would then take place over the course of a year. In truth, many of the elements of a work plan are actions that the GVN has already said it would undertake, the Ambassador noted, so agreeing

to a work plan should not be too difficult for Vietnam.

14. (SBU) VFM Bang agreed that the United States would have to proceed "step by step" and could not "go directly to lifting CPC," but instead "would set that as a goal." VFM Bang enumerated two significant steps Vietnam has already taken: the prisoner release and the opening of new churches. The MFA has a list of the new churches and dioceses opened and recognized in the Central Highlands and elsewhere, he said. He promised to provide it to the Embassy "as soon as possible." In addition to these two steps, VFM Bang continued, the GVN would soon issue its Religious Ordinance implementation guidelines, in which the GVN will "forbid anyone to force another person to renounce their beliefs, or to force someone to follow a belief or religion." The Ambassador said that these are good steps, and recommended that they be supplemented with other gestures, such as further prisoner releases. "This is quite difficult in our system," VFM Bang chuckled. "I hope you know I could lose my head if nothing happens on your side."

15. (SBU) "You should know we have no restrictions on religious freedom in Vietnam now," VFM Bang continued. "Things are much better than they were ten years ago. Religion is flourishing and there are Catholic and Buddhist universities." VFM Bang contrasted Vietnam's religious situation with that of the United States, noting that churches in the United States play a civic role by administering marriages and funerals and acting as a social public gathering place and, occasionally, as a focal point for social activism. Churches do not have the same function in Vietnam, VFM Bang said. "We are improving," he added. "For example, Thich Nhat Hanh is here with 200 of his followers from abroad, teaching his meditation. It is an extraordinarily positive phenomenon." (Note: Thich Nhat Hanh is a Buddhist monk who has been in exile in France since 1966. He was permitted to return to Vietnam for the first time in January 2005. There has been heavy state-run media coverage of his return. End note.)

16. (SBU) The Ambassador agreed with VFM Bang that "the scope of religious activity in Vietnam is as great as it has ever been," but noted that not everyone enjoys religious freedom. For example, he said, Buddhist monks Thich Quang Do and Thich Huyen Quang remain under "pagoda arrest" and are not allowed to travel to see each other. Their continued restrictions hurt Vietnam's reputation unnecessarily because the two old monks are no threat to the regime, the Ambassador added. VFM Bang said he has asked "someone" about the possibility of relaxing the restrictions on the monks and was told "it might take some time."

#### HIGH LEVEL EXCHANGES AND VISITS

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17. (SBU) To commemorate the tenth anniversary this year of the normalization of bilateral relations, a number of high-level exchanges and visits are planned, VFM Bang said. In addition to the visit of NSC Senior Director Green, VFM Bang said he will go to Texas and Washington, D.C., in March. Deputy Prime Minister Vu Khoan may visit Washington in May to finalize the Prime Minister's visit arrangements. VFM Bang reiterated the GVN's request for a visit by Prime Minister Phan Van Khai June 20-30, 2005, with stops in New York, Seattle and Washington, D.C. PM Khai would like to visit the United Nations while in NYC and visit Boeing and the new governor of Washington State while in Seattle, he said.

18. (SBU) Continuing, VFM Bang said that, in September, National Assembly Chairman Nguyen Van An plans to visit New York City to attend the second World Conference of Speakers of Parliament at the International Parliamentary Union meeting (September 7-9). He may also want to "pass by" Washington for a "private visit," similar to the trip current Communist Party General Secretary Nong Duc Manh made to Washington when he was the Chairman of the National Assembly. Chairman An would have "many" parliamentarians with him, VFM Bang said. State President Tran Duc Luong may also visit New York City in October to attend the UN Millennium Review meeting. The Ambassador "welcomed" the possibility and said it is important for legislators from both sides to visit regularly. Returning to the proposed visit by Prime Minister Phan Van Khai, the Ambassador stressed that both sides need to create the "right atmosphere" for the visit, and, in this respect, Senior Director Green's upcoming visit is very important.

Nguyen Huu Chanh

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19. (SBU) Turning to an issue raised by AFM Hung during a meeting with the Ambassador January 28 (Ref B), the Ambassador said that Nguyen Huu Chanh -- the "leader" of the "Government of Free Vietnam" (GFVN) -- is the subject of an organized crime, violent crime and terrorism investigation

in the United States. Any information the GVN has on Chanh's alleged illegal activities might be useful, the Ambassador added. Responding to AFM Hung's question about Chanh's reported plans to open a GFVN office in Washington, D.C. -- in front of which would fly the flag of the old South Vietnam -- the Ambassador said that we have to keep things in perspective: the GFVN's convention in early in January in Anaheim, about which Vietnam had expressed grave concern, had been a "non-event." Furthermore, it is not illegal to open an office. VFM Bang said that, should Chanh "be allowed" to open an office, "it would be a disaster." That said, he continued, "it may be better to ignore Chanh than to draw attention to him."

#### CENTRAL HIGHLANDS RECOVERY OPERATIONS

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10. (SBU) The Ambassador expressed his concern about U.S. MIA investigation and recovery teams' lack of access to the Central Highlands provinces of Kon Tum, Gia Lai, Dak Nong and Dak Lak, an issue he raised with Deputy Prime Minister Nguyen Tan Dung the day before (Ref C). There is also the question of whether a U.S.-contracted medevac helicopter will be allowed to transport injured American and Vietnamese personnel from recovery sites. That Vietnam had recently suffered the loss of 16 military personnel in a helicopter crash should bring home that accidents do happen and we need to be prepared to respond quickly to minimize injuries and loss of life, the Ambassador said.

#### Article 98

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11. (SBU) Another issue in front of us that should be easy to resolve is that of an Article 98 Nonsurrender Agreement, the Ambassador continued. VFM Bang said that, "in reality and legally," Vietnam agrees with the United States. Vietnam is not a Treaty of Rome signatory and, in practice, would "never send your people" to the International Criminal Court. "We just need to come up with the right language," the Vice Foreign Minister said. The Europeans are "so loud" on this issue. "How can Vietnam please everyone?" he asked. Nearly 100 countries have signed Article 98 agreements, the Ambassador noted. Our understanding is that the issue for Vietnam is one of timing, notably that Vietnam wants to hold off signing an Article 98 agreement until after it accedes to the WTO. This could be more than a year away, and Vietnam's reaching an Article 98 agreement with the United States -- the sooner, the better -- would be well received in Washington, the Ambassador stressed.

#### WTO and Tricore

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12. (SBU) On WTO accession, VFM Le Van Bang said that the United States and China are "competing for Vietnam's favor" and added that Vietnam "hopes earnestly" that U.S.-Vietnam bilateral negotiations can be completed first. Vietnam's preference is to complete its talks with the U.S. by May in time for the Prime Minister's visit. Completing work on a bilateral agreement by May is possible but will not be easy, the Ambassador responded. On the other hand, we are increasingly concerned that the National Assembly -- which will only have two one-month sessions between now and the end of the year -- may not be able to pass all the necessary legislation in time. VFM Bang responded that, if the National Assembly "cannot go issue by issue," then perhaps it can pass an "umbrella law to supersede existing legislation." The Ambassador urged that the GVN seriously pursue this option. On Tricore matter -- which he also raised with DPM Dung -- the Ambassador said that this is an issue that will not go away and that the GVN has to deal with this matter in earnest.

#### OVERFLIGHT CLEARANCES, IMET

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13. (SBU) The Ambassador thanked the GVN for making the "right decision" by granting blanket overflight clearance to U.S. military planes involved in the tsunami relief effort. VFM Bang said that he had spoken about this issue with Lieutenant General Nguyen Duc Soat, Deputy Chair of the General Staff, with whom he had traveled to Jakarta for the tsunami summit, and LTG Soat had agreed that "Vietnam will

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do its part." In response to the Ambassador's raising the need for International Military Education and Training (IMET) agreement between Vietnam and the United States, VFM Bang said that, while "Vietnam's military could really use the English language training -- the Ministry of National Defense is often unable to send people to international conferences and other events because of language deficiencies -- the human rights vetting clause is a deal-breaker." This should not be a problem for Vietnam, the Ambassador stressed. Human rights vetting is a worldwide

requirement, and Vietnam has already signed other agreements that have human rights clauses, namely the bilateral counternarcotics agreement and the agreement to send officials to training courses at the International Law Enforcement Academy in Bangkok, the Ambassador noted.

#### Amcit Detention

15. (SBU) The Ambassador raised the case of Amcit Bao Phat Tang's detention. The problem is not one of consular access -- our consular officials have been able to see Tang -- but rather, the fact that none of his family members nor his attorney has been able to see him. We understand that, under Vietnamese law, a suspect is not allowed to see family members or others during the pre-trial investigation period, which is normally four months. However, in this case, because it involves Vietnam's recent textile quota scandal, the investigative period apparently may stretch to as long as one year, which would be far too long to not allow Tang to see his family or attorney. The Ambassador urged the GVN to consider the possibility of a face-to-face visit. AFM Hung explained that, because the quota scandal continues to grow, the length of time required to investigate Tang and others also continues to lengthen.

#### "EASTER DISTURBANCE IN HIGHLANDS COULD CANCEL PM'S VISIT"

16. (SBU) Returning to the subject of the Prime Minister's proposed visit, the Vice Foreign Minister said he is "thinking deeply" and "worried" about the visit's atmosphere. From now to the visit, he urged the USG to work with the GVN to "do the utmost" to "create the right atmosphere." "There will be issues between our two countries," but we should not let them "slow down our efforts," VFM Bang added. "A repeat of last year's Easter disturbances in the Central Highlands would surely cause the Prime Minister's visit to be cancelled," he predicted. VFM Bang explained that he is often placed in a precarious position "lobbying for the United States," because there are some in the GVN who believe that groups in the United States with ties to separatist elements in the Central Highlands are under USG control.

17. (SBU) The Vice Foreign Minister noted that, during his January 21 meeting with former Ambassadors Mort Abramowitz and Stephen Bosworth, they had agreed on many things, such as ongoing strategic developments in Asia and the role of the United States in Asia in general and Southeast Asia in particular. The Ambassador noted that it is time for the United States and Vietnam to begin a strategic dialogue at a sufficiently high level to discuss regional and global issues of mutual interest.

#### CENTRAL HIGHLANDS

18. (SBU) The Ambassador applauded the recent signing of a Memorandum of Understanding among Vietnam, Cambodia and the UNHCR on the situation of the 750 Vietnamese Montagnards in Cambodia (Ref D), noting that this is an important step forward. The United States and others will watch closely to see how the MOU is implemented. On the subject of disturbances in the Central Highlands, the Ambassador said that no one has any interest in seeing a repeat of the April 2004 incident. For its part, the United States would try to get word to organizations in the United States with ties to the Montagnards that inciting disturbances benefits no one. Furthermore, the United States would, to the extent possible, try to share relevant information with the GVN, the Ambassador said.

19. (SBU) Christmas services in the Central Highlands appear to have taken place without incident, the only exception being Dak Lak Province (Ref E), the Ambassador continued. Dak Lak Province has come to our attention in another matter: we have had problems in this province with Montagnard families' not being able to apply for passports to begin the process of joining their relatives in the United States (under the "Visas-93" program). It appears that the basic problem is with local authorities in Dak Lak, the Ambassador observed. The Vice Foreign Minister noted that he is close to the Chairman of the Dak Lak People's Committee (they are both from Ninh Binh Province) and pledged to get in touch with him about these issues.

#### FINAL ISSUES: NEW EMBASSY COMPOUND, HIV/AIDS

20. (SBU) Thanking the Vice Foreign Minister for the MFA's help with the ongoing new Embassy compound land issue, the Ambassador expressed his hope that the upcoming talks between Vietnam and Russia would yield an agreement to allow Vietnam and the United States to seal their own deal. Ideally, we would have an agreement in place by the time the

Prime Minister visits Washington, the Ambassador said.

21. (SBU) VFM Bang observed that international NGO project expenditures rose 40 percent in 2004, thanks in large part to U.S. funding for HIV/AIDS prevention and care projects. This increase in funding was an important gesture and sent a signal to others to step up their own contributions. The Ambassador stressed that how well U.S. HIV/AIDS monies are spent in 2005 will guide how much assistance is available in 2006. Additionally, there are concerns about how Vietnam's Ministry of Health will handle the flood of new assistance. VFM Bang responded that Brazil has offered to assist Vietnam in its planning and other HIV/AIDS-related efforts. Brazil has a "good story" to share regarding the distribution of medicines and other programs, he concluded.

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